

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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SHAWN NARDONI,

Plaintiff,

-against-

CITY OF NEW YORK and DETECTIVE
DAVID TERRELL,

Defendants.
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1:17-cv-2695-GHW

ORDER ADOPTING REPORT AND
RECOMMENDATION

GREGORY H. WOODS, United States District Judge:

Before the Court is the Report and Recommendation (the “R&R”) dated February 12, 2019 of Magistrate Judge Gabriel W. Gorenstein. Dkt. No. 123. Defendants were granted summary judgment on August 7, 2018. Dkt. No. 95. Accordingly, the only issue before Judge Gorenstein was Defendants’ motion for sanctions and attorney’s fees and costs under Rule 11 of the Federal Rules of Civil Procedure, 42 U.S.C. § 1988(b), 28 U.S.C. § 1927, and the Court’s inherent power. Dkt. No. 103. The R&R recommends that Defendants’ motion should be denied in its entirety.


A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise specific, written objections to the report and recommendation within 14 days of being served with a copy of the report. 28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(2). If a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. *See id.* When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation for clear error. *Marte v. Berryhill*, No. 17-CV-3567 (VSB) (JLC), 2018 WL 5255170, at *1 (S.D.N.Y. Oct. 22, 2018).

No objection to the R&R was submitted within the 14-day window, accordingly the Court reviews the R&R for clear error. Having reviewed the record, the parties' submissions in connection with Defendants' motion, and the R&R, the Court agrees with Judge Gorenstein's conclusions and adopts the R&R in its entirety as the opinion of the Court.

For the reasons articulated in the R&R, Defendants' motion for sanctions and attorney's fees and costs is DENIED. The Clerk of Court is directed to terminate the motion pending at docket number 103.

SO ORDERED.

Dated: February 27, 2019
New York, New York



GREGORY H. WOODS
United States District Judge